

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

**JOINT STIPULATION**

The Parties, the Plaintiff States (“States”) and Defendant Google LLC (“Google”) (collectively, “the Parties”), jointly submit this Stipulation with a proposed order memorializing this stipulation.

WHEREAS, on April 1, 2024, the States served their Third Set of Interrogatories (“Interrogatories”);

WHEREAS, on May 1, 2024, Google served its Responses and Objections to the Interrogatories;

WHEREAS, on May 6, 2024, the Parties met and conferred regarding Google’s Responses and Objections to the Interrogatories;

WHEREAS, on May 7, 2024, the States filed under seal a Brief regarding Google’s Responses and Objections to the Interrogatories (ECF No. 472);

WHEREAS, on May 10, 2024, Google filed under seal a Brief in Response to the States’ May 7, 2024 Brief to the Special Master (ECF No. 482);

WHEREAS, at the May 16, 2024 hearing with the Special Master, the Parties discussed

the issues related to Google's Responses and Objections to the Interrogatories;

WHEREAS, on May 20, 2024, Google sent e-mail correspondence to the Special Master and the States, stating: "Google agrees to supply a declaration concerning the burden of responding to Interrogatories 7, 8, and 10-12 and to stipulate that Google will not use monthly or other aggregate data that would be responsive to these Interrogatories in our expert reports;"

WHEREAS, on May 24, 2024, Google sent e-mail correspondence to the States, stating: "Google stipulates that neither it nor any of its expert witnesses will rely upon in this Action any monthly or other aggregate data that is responsive to Plaintiffs' Interrogatories Nos. 7, 8, 10, 11 or 12, provided that nothing in this Stipulation shall restrict the right of any party to cite, rely upon, or otherwise use any (1) deposition testimony taken in this Action, or (2) data or documents produced prior to May 3, 2024;"

WHEREAS, Google has made the States aware that productions by third parties have been and are ongoing after May 3, 2024; and

WHEREAS, the Parties agree to formalize their stipulation in a filing with the Special Master and the Court.

IT IS HEREBY STIPULATED AND AGREED, between the undersigned parties, through their undersigned counsel:

1. Neither Google nor any of its expert witnesses will rely upon in this Action any monthly or other data that is described by Plaintiffs' Interrogatories Nos. 7, 8, 10, 11 or 12; and
2. Notwithstanding Paragraph 1, and subject to the Federal Rules of Evidence, the Parties and their expert witnesses may cite, rely upon, and otherwise use any (a) deposition testimony taken in this Action regardless of when the deposition

occurred, (b) data and documents produced (or deemed to have been produced<sup>1</sup>) by a Party in this Action prior to the close of fact discovery, and (c) data and documents produced by third parties in this Action, regardless of when such data and documents were produced.

The Parties respectfully request that the Court enter the attached proposed order memorializing this stipulation.

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<sup>1</sup> See Stipulation and Order for Reproduction of Discovery, ECF No. 510.

Respectfully submitted,

/s/ W. Mark Lanier

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ATTORNEYS FOR GOOGLE LLC

**CERTIFICATE OF SERVICE**

I certify that, on July 12, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Geraldine Young  
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